

United States Bankruptcy Court  
Middle District of Tennessee

In re:  
Capstone Pediatrics, PLLC  
Debtor

Case No. 19-01971-RSM  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0650-3

User: bmp2450  
Form ID: pdf001

Page 1 of 1  
Total Noticed: 1

Date Rcvd: May 24, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2019.

db +Capstone Pediatrics, PLLC, 1420 Donelson Pike Suite B17, Nashville, TN 37217-3015

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 26, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2019 at the address(es) listed below:

BRUCE ANTHONY SAUNDERS on behalf of Interested Party HealthSpring Life and Health Insurance Company, Inc. tsaunders@wyattfirm.com

DANIEL HAYS PURYEAR on behalf of Creditor Newtek Small Business Finance, LLC  
dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com

DANIEL HAYS PURYEAR on behalf of Creditor CDS Business Services, Inc. d/b/a Newtek Business  
Credit dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com

DAVID W HOUSTON, IV on behalf of Debtor Capstone Pediatrics, PLLC dhouston@burr.com,  
mmayes@burr.com

EMILY CAMPBELL TAUBE on behalf of Debtor Capstone Pediatrics, PLLC etaube@burr.com,  
mmayes@burr.com;cnolan@burr.com

JOSHUA L BURGNER on behalf of Creditor ARHC GMCLKTN01, LLC jburgener@dickinsonwright.com,  
dsolis@dickinsonwright.com;ppardee@dickinsonwright.com

MATTHEW RYAN GASKE on behalf of Creditor TN Dept of Revenue matthew.gaske@ag.tn.gov

MICHAEL G ABELow on behalf of Creditor SL Airpark II, LLC mabelow@srvhlaw.com,  
scamp@srvhlaw.com

MICHAEL G ABELow on behalf of Creditor SL Airpark, LLC mabelow@srvhlaw.com, scamp@srvhlaw.com

NATALIE M. COX on behalf of U.S. Trustee US TRUSTEE natalie.cox@usdoj.gov

RYAN K COCHRAN on behalf of Creditor Four Plus Corporation ryan.cochran@wallerlaw.com,  
chris.cronk@wallerlaw.com;Deborah.liles@wallerlaw.com

SEAN CHARLES KIRK on behalf of Creditor Fairway-Galt, LLC skirk@bonelaw.com

THOMAS WORMOUTH SHUMATE, IV on behalf of Creditor Meridian Law, PLLC  
tom.shumate@meridianlawpllc.com

US TRUSTEE ustpreigion08.na.ecf@usdoj.gov

WARD W BENSON on behalf of Creditor United States of America on behalf of the Internal  
Revenue Service ward.w.benson@usdoj.gov, Eastern.Taxcivil@usdoj.gov

WILLIAM L NORTON, III on behalf of Creditor Athenahealth bnorton@babco.com

TOTAL: 16

Dated: 5/24/2019



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>In re:</b>	)	
	)	<b>Case No. 3:19-bk-1971</b>
<b>CAPSTONE PEDIATRICS, PLLC</b>	)	
	)	<b>Chapter 11</b>
<b>Debtor.</b>	)	

**ORDER AUTHORIZING RETENTION AND EMPLOYMENT OF  
BURR & FORMAN LLP AS COUNSEL TO THE DEBTORS,  
NUNC PRO TUNC TO THE PETITION DATE**

Upon the application (the “Application”)<sup>1</sup> of the above-captioned debtor and debtor in possession (the “Debtor”) for entry of an order authorizing the Debtor to retain and employ BURR & FORMAN LLP (“B&F”) as its counsel *nunc pro tunc* to the Petition Date, all as more fully described in the Application; and the Court having jurisdiction to consider the Application and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Application and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b)(2); and venue being proper before this Court under 28 U.S.C. §§ 1408 and 1409; and upon due and sufficient notice of the Application having been provided under the particular circumstances, and it appearing that no other or further notice need be provided; and this Court’s entry of a final order being consistent with Article III of the United States Constitution; and a hearing having been scheduled and, to the extent necessary, held to consider the relief requested in the Application (the “Hearing”); and upon the Second Amended Houston Declaration and the Amended Toler

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<sup>1</sup> Capitalized terms used herein and not otherwise defined shall have the meaning ascribed to such terms in the Application.

Declaration submitted in support of the Application and the record of the Hearing (if any was held) and all of the proceedings before the Court; and the Court having found and determined that the relief sought in the Application is in the best interests of the Debtor, its estate and creditors and all parties in interest; and this Court having found and determined that the legal and factual bases set forth in the Application, the Second Amended Houston Declaration and the Amended Toler Declaration establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED as set forth herein.
2. Pursuant to sections 327(a), 328 and 330 of the Bankruptcy Code, the Debtor is authorized to retain and employ B&F as counsel to the Debtor in accordance with the terms and conditions set forth in the Application, effective *nunc pro tunc* to the Petition Date.
3. B&F shall apply for compensation for professional services rendered and reimbursement of expenses incurred in connection with the Debtor's Chapter 11 case in accordance with the procedures set forth in sections 330 and 331 of the Bankruptcy Code, applicable provisions of the Bankruptcy Rules, the Local Rules, and any order of this Court.
4. B&F shall exhaust the remainder of the retainer it holds prior to seeking additional payment from the estate and further B&F shall provide a credit to the Debtor of \$4,850.00 to be applied to B&F fees that may be approved in this case.
5. In the event of any inconsistency between the Application, the Second Amended Houston Declaration, the Amended Toler Declaration, and this Order, the terms of this Order shall govern.

6. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

7. The Debtor and B&F are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Application.

7. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

***This order was signed and entered electronically as indicated at the top of the first page.***

**APPROVED FOR ENTRY:**

/s/ David W. Houston, IV

David W. Houston, IV (BPR #20802)

Emily C. Taube (BPR #19323)

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*Proposed Counsel for the Debtor*